

Amendments to the Drawings

Please replace Fig. 11 contained in drawing sheet(s) 11, with the attached replacement figure. The drawing was objected to because Fig. 11, and any other depicting prior art should be designated by a legend such as –Prior Art—because only that which is old is illustrated. As suggested, a corrected drawing in compliance with 37 CFR 1.121(d) is enclosed herewith. It is respectfully requested that the drawing is accepted by the Examiner.

REMARKS

Claims 1-30, 52 and 53 were previously pending in this application. By this amendment, Applicant has amended claims 1 and 16. Claim 7 is now cancelled. As a result, claims 1-6, 8-30 and 52-53 are pending for examination with claim 1 being an independent claim. No new matter has been added.

Objections Under 35 U.S.C. §112

Claims 1, 7, 8, 13, 16 and 21 were objected to for various reasons. In particular, claim 1 was objected to because of an antecedent basis issue. In response, Applicant has amended claim 1 in accordance with the Examiner's suggestion, and claim 1 should now be clear. With respect to the objections to dependent claims 7, 8 and 21, the correction to claim 1 should render these claims clear (although claim 7 is now canceled, and the limitations therein appear in claim 1, as amended). With respect to claim 13, it is believed that the term "LC-type" oscillator is clear enough to describe well-known LC-type oscillators that includes a coil connected with a capacitor, or equivalent structures thereof, and therefore, Applicant respectfully submits that this term is clear. Further, it is noted that dependent claim 52 which recites a crystal does not depend from claim 13, but rather claim 12, and thus claim 52 does not render claim 13 unclear. Further, regarding the dependency of claim 16, claim 16 was amended according to the Examiner's suggestion to depend from claim 53.

In summary, Applicant respectfully requests that the objections to claims 1, 7, 8, 13, 16 and 21 be withdrawn.

Rejections Under 35 U.S.C. §102

The Office Action rejected claims 1-6, 24, 25 and 27-30 under 35 U.S.C. §102(e) as being anticipated by Blair, et al., U.S. Patent No. 6,700,351, (hereinafter Blair, et al.). In response, Applicant has amended claim 1 and respectfully traverses the rejection.

Claim 1, as amended, recites a battery having an apparatus for monitoring the battery, the battery comprising one or more cells that provide power to at least one output; and a monitor that is adapted to monitor and store performance information relating to the operation of the one or more cells, and which is adapted to communicate with an external system, and that is adapted to

receive a monitor signal from an external system, wherein the monitor is coupled to the one or more cells and is adapted to receive power for the monitor from the external system.

Blair is directed to a UPS system that has a modular design (Abstract). The UPS system includes a battery module which includes a controller that monitors the state of the battery module (Please see, for example, Col. 11, line 1 through Col. 12, line 44). In particular, the battery module is capable of detecting failures within the battery module, and isolating the failed battery module from the UPS system (Please see, for example, Col. 11, lines 1-15). Also, the battery module communicates with the UPS system using a conventional controller area network (CAN) message passed from the battery monitor controller to the system via a CAN interface bus (Please see, for example, Col. 11, lines 38-44, and Col. 8, lines 18-25).

Blair does not anticipate claim 1 as amended. In particular, Blair does not disclose a battery comprising a “monitor wherein the monitor is adapted to communicate with the external system by interrupting current of received power provided by the external system,” as recited in claim 1 as amended. Blair communicates between a CAN and other system components using a conventional CAN interface. Blair does not teach or suggest a monitor that is adapted to communicate by interrupting current of received power as recited. Rather, Blair uses conventional bus communication techniques for communicating CAN messages between system components. Therefore, claim 1 patentably distinguishes over Blair and the rejection should be withdrawn. Claims 2-6, 8-30 and 52-53 depend from claim 1 and are allowable for at least the same reasons.

102 Rejection Over Downs (U.S. Publication No. 2001/0009361)

Claims 1, 7, 8, 14, 15, 20-23, 26 and 53 were rejected under 35 U.S.C. §102(b) as being anticipated by Downs, et al., U.S. Publication No. 2001/0009361, (hereinafter Downs, et al.). In response, Applicant has amended claim 1 and respectfully traverses the rejection.

Downs is directed to a method for monitoring a rechargeable battery (Abstract). Downs teaches a battery pack 100 that monitors a battery using a battery monitoring circuit 102 (Please see, for example, Figure 1 and Paragraph [0017]). The battery monitoring circuit can receive power over a one-wire data bus connected to input pin DQ (Paragraph [0017]). The battery monitoring circuit “steals” power whenever the signal at the DQ I/O is high (Paragraph [0017]).

Downs does not anticipate claim 1, as amended. In particular, Downs does not disclose a battery comprising a “monitor wherein the monitor is adapted to communicate with the external system by interrupting current of received power provided by the external system,” as recited in claim 1 as amended. Downs teaches, at most, a battery monitoring circuit that steals power when the input is high. However, Downs does not teach or suggest a monitor that communicates with an external system by interrupting current of received power provided by the external system. Rather, Downs takes current when it is available, but Downs does not interrupt current of received power. Therefore, claim 1 patentably distinguishes over Downs and the rejection should be withdrawn. Claims 2-6, 8-30 and 52-53 depend from claim 1 and are allowable for at least the same reasons.

Rejections Under 35 U.S.C. §103

The Office Action rejected dependent claims 9, 10-13 and 52 under 35 U.S.C. §103(a) as being unpatentable over Downs, et al. in view of Wendelrup, et al., U.S. Patent No. 6,584,329, (hereinafter Wendelrup). As discussed above with respect to independent claim 1, Dows does not teach or suggest a “monitor wherein the monitor is adapted to communicate with the external system by interrupting current of received power provided by the external system”. Further, Wendelrup does not supply the missing limitation, as Wendelrup does not teach or suggest “monitor wherein the monitor is adapted to communicate with the external system by interrupting current of received power provided by the external system”. Accordingly, withdrawal of this rejection is respectfully requested.

Further, dependent claims 16-19 were rejected under 35 U.S.C 103(a) as being unpatentable over Downs in view of Bohne, et al., U.S. Publication No. 2004/0160210, (hereinafter Bohne, et al.). As discussed above with respect to independent claim 1, Downs does not teach or suggest “monitor wherein the monitor is adapted to communicate with the external system by interrupting current of received power provided by the external system.” Further, Bohne does not supply the missing limitation, as Bohne does not teach or suggest “monitor wherein the monitor is adapted to communicate with the external system by interrupting current of received power provided by the external system”. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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Docket No.: A2000-700019
Date: August 8, 2007